REMARKS

Claim 18 has been amended to delete the language "wherein the scores are generated during nucleic acid amplification and wherein the scores are used, during nucleic acid amplification, to ascertain whether the nucleic acid is present in the sample" and to add the language "a processor means for processing data during the amplification." Thus, claim 18 has been amended to means-plus-function format. Support for this claim amendment can be found on page 2, lines 14-15 of the specification. Claim 18 has also been amended to add the phrase "for analysis of real-time amplification of." Support for this claim amendment can be found throughout the specification, for example, in the title and on page 13, lines 22-23 of the specification. Claim 18 has also been amended to add the word "the" to the phrase "a fluorimeter for detecting fluorescence during the amplification."

Applicants wish to thank Examiner Smith for the courtesies extended by the Examiner in the telephonic interview with Applicants' undersigned attorney on February 23, 2005. An agreement was not reached with respect to allowance of the claims, but it is Applicants' understanding that the Examiner will consider the arguments made in the interview in view of the amendments made in this response and the arguments discussed in this response.

The Examiner has rejected claims 18-23 under 35 U.S.C. § 112, ¶ 1 for lack of a written description. The Examiner indicates that the claim amendment made in the response to the office action mailed on May 11, 2004, to amend claim 18 to add the language "wherein the scores are generated during nucleic acid amplification and wherein the scores are used, during nucleic acid amplification, to ascertain whether the nucleic acid is present in the sample" constitutes new matter.

Applicants do not agree. There is support for this language in the specification, for example, on page 2, lines 14-15 of the application. Although Applicants do

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